

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

R.M.S. TITANIC, INC.,
successor-in-interest to
Titanic Ventures, limited partnership,
Plaintiff,

v.

Civil Action No. 2:93cv902

THE WRECKED AND ABANDONED VESSEL, et al
Defendant.

**MOTION AND MEMORANDUM OF LAW IN SUPPORT FOR
LEAVE TO WITHDRAW AS *PRO HAC VICE* COUNSEL**

Plaintiff, R.M.S. Titanic, Inc. (“RMST” or the “Company”), by and through its undersigned counsel, hereby moves this Court for an Order, pursuant to Local Rules 83.1(D)(3) and 83.1(G), granting its *pro hac vice* counsel, David G. Concannon, Esquire, leave to withdraw his appearance on behalf of RMST.

In support of this Motion, RMST states:

1. In November 2019, Mr. Concannon was retained by RMST due to his substantial subject matter expertise to supplement existing counsel in this admiralty matter. (Doc. No. 582.)
2. Due to his subject matter expertise and participation in prior *Titanic* expeditions, Mr. Concannon was retained to assist RMST and its existing counsel in the preparation, filing and arguing of Plaintiff’s motion to amend or modify the Court’s July 28, 2000 Order forbidding RMST, its employees, agents, or subcontractors “to in any way cut into the wreck or detach any part of the wreck” (Dkt No. 164) to allow RMST to take appropriate steps to recover, conserve and publicly display the *R.M.S. Titanic*’s Marconi wireless apparatus and associated artifacts.
3. On December 17, 2019, RMST filed an application to admit Mr. Concannon as *pro hac vice* counsel. (Doc. No. 584.)

4. Mr. Concannon's admission *pro hac vice* was approved by the Court in an Order dated December 18, 2019. (Doc. No. 583.)

5. Thereafter, RMST engaged in a number of filings and a Court hearing on February 20, 2020, in furtherance of RMST's efforts to obtain the Court's permission to recover, conserve and publicly display the *R.M.S. Titanic's* Marconi wireless apparatus and associated artifacts. (Doc. Nos. 585, 585-1, 585-2, 585-3, 590, 590-1, 599, 600, 601, 601-1, 605, 605-1, 605-2 and 605-3.)

6. On May 19, 2020, the Court entered an Order granting RMST's motion to amend or modify the Court's July 28, 2000 Order. (Doc. No. 612.)

7. Following the court's order on May 15, 2020, Mr. Concannon provided the Company with notice of termination of his firm's representation of E/M Group, LLC, parent company of RMST, effective on June 8, 2020. Mr. Concannon, with the consent of RMST, now seeks leave of the Court to withdraw his appearance as *pro hac vice* counsel to RMST.

8. RMST is still capably represented by Brian A. Wainger, Esquire (VSB #38476) of Kaleo Legal in Virginia Beach, Virginia, and David G. Barger (VSB #21652) of Greenberg Traurig, LLP in McLean, Virginia.

WHEREFORE, RMST respectfully requests that its Motion be granted and the Court enter an Order in the form submitted herewith granting its *pro hac vice* counsel, David G. Concannon, Esquire, leave to withdraw his appearance on behalf of RMST.

Respectfully submitted,

RMS TITANIC, INC.

By Counsel:

/s/ Brian A. Wainger

Brian A. Wainger, VSB #38476

KALEO LEGAL

4456 Corporation Lane, Suite 135

Virginia Beach, VA 23462

Tel: (757) 965-6804

Fax: (757) 304-6175

E-Mail: bwainger@kaleolegal.com

David G. Barger, VSB #21652

GREENBERG TRAURIG, LLP

1750 Tysons Boulevard, Suite 1000

McLean, Virginia 22102

Tel: (703) 749-1300

Fax: (703) 749-1301

Email: bargerd@gtlaw.com

David Concannon, *Pro Hac Vice* (Doc. 583)

CONCANNON & CHARLES

100 Sun Valley Road, No. 329

Sun Valley, Idaho 83353

Tel: (610) 293-8084

Fax: (877) 736-2434

Email: david@davidconcannon.com

Counsel for R.M.S. Titanic, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on June 8, 2020, a copy of the foregoing has been electronically filed with the Clerk of the Court using the CM/ECF system, which will send electronic notification of such filing to all counsel of record.

/s/ Brian Wainger

Brian A. Wainger, VSB #38476
Attorney for Plaintiff RMS Titanic, Inc.
KALEO LEGAL
4456 Corporation Lane, Suite 135
Virginia Beach, VA 23462
Tel: (757) 965-6804
Fax: (757) 304-6175
E-Mail: bwainger@kaleolegal.com

Counsel for R.M.S. Titanic, Inc.